

From: Andrew Levy <alevy@fwblaw.net>
Sent: Tuesday, July 07, 2015 1:27 PM
To: Dean, Abigail
Subject: RE: Panther Development Investments, LLC - Draft Consent Agreement

If you send me the word document, I'll take care of it here.

From: Dean, Abigail [mailto:Dean.Abigail@epa.gov]
Sent: Tuesday, July 07, 2015 3:26 PM
To: Andrew Levy
Subject: RE: Panther Development Investments, LLC - Draft Consent Agreement

Hi Andrew,

I'm glad you followed up – I did not get the email you sent yesterday. Unfortunately, I do not have a redline of the final CCCA. Would you like me to go back and create one? As described in the cover letter, there were only a few changes, so I can probably get one to you by the end of the week.

Thanks,
Abby

Abigail Dean, Attorney
Regulatory Enforcement Unit
Legal Enforcement Program (8ENF-L)
USEPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
303-312-6106
FAX: 303-312-6953
e:mail dean.abigail@epa.gov

From: Andrew Levy [mailto:alevy@fwblaw.net]
Sent: Tuesday, July 07, 2015 11:30 AM
To: Dean, Abigail
Cc: 'Matthew P. Coglianese'
Subject: RE: Panther Development Investments, LLC - Draft Consent Agreement

Hi Abby – just following up on this from yesterday . . .

From: Andrew Levy
Sent: Monday, July 06, 2015 4:32 PM
To: 'Dean, Abigail'
Cc: 'Matthew P. Coglianese'
Subject: RE: Panther Development Investments, LLC - Draft Consent Agreement

Abby – Can you please send me a redline? Thanks.

From: Dean, Abigail [mailto:Dean.Abigail@epa.gov]
Sent: Monday, July 06, 2015 2:03 PM
To: Alex Moreno (PantherDI)
Cc: Andrew Levy
Subject: Panther Development Investments, LLC - Draft Consent Agreement
Importance: High

Dear Mr. Moreno:

Please find attached a cover letter and a draft combined complaint and consent agreement (Consent Agreement) to address alleged violations of the federal Clean Water Act at the Black Eagle Estates and White Oaks Park construction sites in Mandaree, North Dakota.

After the initial review of this document completed by you and your attorney, Andrew Levy, the draft Consent Agreement was routed through EPA management for concurrence. Several changes were made to the original document to address formatting issues. You will also note that paragraph 5 was modified to explicitly address Respondent's waiver of judicial review under the Administrative Procedure Act, which provides for judicial review of final agency action. This modification makes the document more consistent with other consent agreements filed in Region 8.

Please review this draft Consent Agreement carefully and provide me with any comments or concerns as soon as possible. If we are unable to reach agreement on the terms of this action within fifteen (15) days from the date of this email, the EPA anticipates issuing a unilateral administrative complaint. Alternatively, if you are satisfied with the terms of the Consent Agreement in its current form, please print out, sign, and return the original by mail (to the address in the signature line below), which will be routed through EPA management for final approval and execution. In addition, please acknowledge receipt of this email and the attachments described above via email as soon as possible. As we have discussed, after the Consent Agreement is signed by both parties, it will be subject to a 30-day public comment period.

If you have any questions, please feel free to contact me at 303-312-6106. You may also contact Emilio Llamozas, Environmental Engineer, at 303-312-6407. We appreciate your cooperation in working to resolve this matter.

Thank you,
Abby

Abigail Dean, Attorney
Regulatory Enforcement Unit
Legal Enforcement Program (8ENF-L)
USEPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
303-312-6106
FAX: 303-312-6953
e:mail dean.abigail@epa.gov